

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 2111

IN THE MATTER OF:

Served May 21, 1980

Application of ANNETTE H. MILLING )  
T/A MILLING TOURS to Transfer )  
Certificate No. 43 to Philip J. )  
Pearson, and for Approval of )  
Temporary Control )

Case No. AP-80-17

By application filed May 5, 1980, as supplemented, Annette H. Milling trading as Milling Tours seeks approval pursuant to Title II, Article XII, Section 12(b) of the Compact to transfer by sale her Certificate of Public Convenience and Necessity No. 43, issued March 27, 1977, to Philip J. Pearson. In support of the application the parties have submitted an executed bilateral contract of sale and a statement of transferee's financial condition. As mandated by the Compact, Title II, Article XII, Section 12(b) a public hearing will be scheduled, and pursuant to the provisions of Title II, Article XII, Section 19 of the Compact, Mr. Pearson will be assessed an amount preliminarily estimated to cover the expense of the hearing.

Temporary approval for Mr. Pearson to operate Milling Tours is also sought. The Compact, Title II, Article XII, Section 12(d) authorizes the Commission to grant such temporary approval in its discretion and without hearings or other proceedings, for a period not exceeding 180 days, if it shall appear that failure to grant such approval may result in destruction of or injury to the property sought to be acquired or interfere substantially with its future usefulness in the performance of adequate and continuous service to the public. According to the application, Mrs. Milling is no longer physically or financially capable of operating the company, and Mr. Pearson is ready, willing and able to render adequate service.

Accordingly, the Commission concludes that the statutory criteria have been met, and temporary approval will be granted. However, Pearson is admonished that an appropriate certificate of insurance must be filed with the Commission reflecting both his name as temporary operator of Milling Tours and Annette H. Milling as holder of Certificate No. 43



before the temporary approval will be effective. Additionally, we note that Milling Tours has not yet filed its annual report for calendar year 1979. If the Commission has not received the report by noon, Friday, May 30, 1980, the certificate will stand suspended and Milling Tours will be directed to cease operations.

THEREFORE, IT IS ORDERED:

1. That the application of Annette Milling trading as Milling Tours in Case No. AP-80-17 to transfer Certificate No. 43 to Philip J. Pearson is hereby scheduled for public hearing to commence Wednesday, June 25, 1980, at 9:30 a.m., in the Hearing Room of the Commission, Room 314, 1625 I Street, N. W., Washington, D. C. 20006.

2. That Philip J. Pearson is hereby designated co-applicant and made a party to this proceeding.

3. That Philip J. Pearson post notice of this application and hearing in the form prescribed by the staff of the Commission in each of the vehicles operated pursuant to the temporary approval granted herein no later than Friday, May 30, 1980, said notice to remain continuously and conspicuously posted through the date of the hearing.

4. That Philip J. Pearson publish once in a newspaper of general circulation within the Metropolitan District, notice of this application and hearing in the form prescribed by the staff of the Commission, no later than Friday, May 30, 1980.

5. That Philip J. Pearson produce at the hearing affidavits of said publication and posting.

6. That any person desiring to protest shall file a protest in accordance with Commission Rule 14, or any person desiring to be heard in this matter shall so notify the Commission, in writing, no later than Friday, June 13, 1980, and shall mail a copy of such protest or notice to Philip J. Pearson, 748 Owens Street, Rockville, Md. 20850.

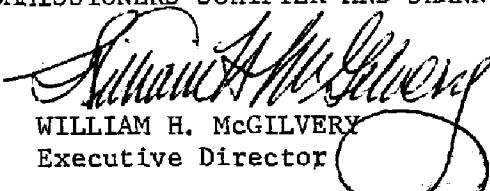
7. That Philip J. Pearson is hereby assessed \$200 pursuant to the provisions of the Compact, Title II, Article XII, Section 19, and directed to deliver said amount to the office of the Commission, Suite 316, 1625 I Street, N. W., Washington, D. C. 20006, no later than 12 noon, Tuesday, June 17, 1980.

8. That Philip J. Pearson file with the Commission a statement of projected revenue and revenue deductions for a one-year period, no later than 12 noon, Tuesday, June 17, 1980, and serve a copy thereof on all parties of record as of June 13, 1980.

9. That Philip J. Pearson is hereby granted temporary approval to operate Certificate of Public Convenience and Necessity No. 43 of Annette H. Milling trading as Milling Tours, subject to the terms, conditions and restrictions of said certificate, said temporary approval to be effective upon acceptance by the Executive Director of an appropriate certificate of insurance, its WMATC Temporary Approval Tariff No. 1 and an affidavit of compliance with Commission Regulation No. 68, and to continue in effect for a period of 180 days, unless otherwise ordered by the Commission.

10. That Philip J. Pearson is hereby directed to comply with the filing requirements of paragraph (9) within 20 days of the service date hereof.

BY DIRECTION OF THE COMMISSION, COMMISSIONERS SCHIFTER AND SHANNON:

  
WILLIAM H. MCGILVERY  
Executive Director